

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo., to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

To the Honorable Jason Kander, Secretary of the State of Missouri:

We, the undersigned, registered voters of the State of Missouri and _____ County (or St. Louis City) respectfully order that the following proposed law shall be submitted to voters of the State of Missouri for their approval or rejection, at the general election to be held on the 8th day of November 2016 and each for himself says: I have personally signed this petition; I am a registered voter of the State of Missouri and _____ County (or St. Louis City) my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

CIRCULATOR'S AFFIDAVIT STATE OF MISSOURI COUNTY OF

I _____, a Missouri registered voter and a resident of the State of Missouri, being first duly sworn say

NAME (SIGN)	DATE SIGNED	REGISTERED VOTING ADDRESS (STREET, CITY, VILLAGE)	ZIP CODE	CONGR DIST.	NAME (PRINT TYPE)
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signed this page of the foregoing petition, and each of them signed his/her name thereto in my presence; I believe each has stated his/her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the State of Missouri and _____ County (or St. Louis City).

Signature of Affiant (person obtaining signatures)

Address of Affiant

Subscribed and sworn to before me this _____ day of _____ A.D.

Notary Public (seal)

My Commission Expires:

Signature of Notary

Certified Official Ballot Title: "Repeal without probation or parole sentence for non-violent drug offenders"

Shall Missouri Law be amended to repeal the without probation or parole sentence for "non-violent drug offenders", and to provide that an offender with one previous conviction for non-violent drug felony unrelated to the present offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence; an offender with two previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence; and offenders with three or more previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be seventy percent of his or her sentence .

The net fiscal impact to the State or local governments resulting from this proposed measure would reduce the financial burden of housing non-violent drug offenders in costly prisons and allow for other forms of punishment that have proven to be effective.

Initiative Petition
Be it enacted by the people of the State of Missouri

Section 195.295 of the Revised Missouri Statutes shall enact in lieu thereof new paragraphs.

The existing section 195.295 is set forth hereinafter with the new paragraphs underlined, and portions to be deleted enclosed in brackets:

§ Section 195.295

1. Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, [which term shall be without probation or parole], if the court finds the defendant is a persistent drug offender.

3. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (2) of subsection 1 of section 195.223, subdivision (2) of subsection 2 of section 195.223, subdivision (2) of subsection 3 of section 195.223, subdivision (2) of subsection 4 of section 195.223, subdivision (2) of subsection 5 of section 195.223, subdivision (2) of subsection 6 of section 195.223, or subdivision (2) of subsection 7 of section 195.223 or subdivision 8 of section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony, [which term shall be served without probation or parole], if the court finds the defendant is a prior drug offender.

4. The provisions of subsections 1 to 3 of this section shall be applicable to nonviolent offender serving without probation or parole sentences for drug felonies. For the purposes of this section, "previous conviction(s)" means any prior pleading to or being found guilty of a drug related felony. Other provisions of the law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found guilty of Class A Drug Trafficking under 195.295 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

(1) If the offender has one previous conviction for a non-violent drug felony offense, the minimum prison term which the offender must serve shall be forty percent of his or her sentence or until the offender attains seventy years of age and has served at least thirty percent of the sentence imposed, whichever occurs first;

(2) If the offender has two previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first;

(3) If the offender has three or more previous convictions for non-violent drug felonies unrelated to the present offense, the minimum prison term which the offender must serve shall be seventy percent of his or her sentence or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

(4) This new enactment shall not apply to any offender that has pleaded guilty to or has been convicted of a dangerous felony.

5. For purposes of this section, the term "minimum prison term" shall mean time required to be served by the offender before he or she is eligible for parole, conditional release or other early release by the department of corrections.

6. (1) Courts shall retain discretion to lower a person sentence that has been sentence to a without probation or parole sentence and order restorative justice methods, when applicable.

(2) As alternative sentences, the Court may impose, prison work programs, work release, home-based incarceration, treatment programs outside of prison, probation and parole options, and any other programs.

(3) The office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the circuit courts of this state by providing information or access to information needed by the Court pertaining to an offender.

7. If the imposition or execution of a sentence is suspended, the court may order any or all of the following restorative justice methods, or any other method that the court finds just or appropriate:

- (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;
- (2) Offender treatment programs;
- (3) Mandatory community service;
- (4) Work release programs in local facilities; and
- (5) Community-based residential and nonresidential programs.

8. The provisions of this section shall apply only to offenses occurring on or after August 3, 1993.

9. Pursuant to subdivision (1) of subsection 7 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed ten thousand dollars. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

10. A judge may order payment to a restitution fund only if such fund had been created by ordinance or resolution of a county of the State of Missouri prior to sentencing. A judge shall not have any direct supervisory authority or administrative control over any fund to which the judge is ordering a defendant to make payment.

11. A defendant who fails to make a payment to a county law enforcement restitution fund may not have his or her parole or probation revoked solely for failing to make such payment unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence that the defendant either willfully refused to make the payment or that the defendant willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources to pay.

12. Nothing in this section shall be construed to prevent circuit courts of the state from entertaining cases that are no longer pending and have become final.

13. All state laws and sentencing practices, which are inconsistent with the subsection (4) of section 195.295 shall no longer be in force and effect insofar as they are inconsistent with this section. As the sole purpose of the enactment, is to, "annul and repeal without probation or parole for non-violent drug offenders." To include and replace any prior provisions, language and terminology of section 195.295, and become consistent with repealing without probation or parole.